

REMARKS

Status of claims

Presently claims 1-4 and 39-41 are pending in the application. Claims 5-38 and 42-62 are withdrawn in response to a previous restriction requirement. Claims 1, 2 and 39 have been amended. Support for the amendments to claims 1, 2 and 39 may be found in the specification, for example, at page 9, line 20 through page 10, line 18 and Fig. 16(a). Claims 3, 4, 40 and 41 have been amended to correct formal matters. New claim 42 has been added, support for claim 42 can also be found at Fig. 16. Therefore, no new matter has been added to the application.

Claim Rejections – 35 USC § 102(b)

The Examiner has rejected claims 1-4 and 39-41 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,765,143 to Sheldon (“Sheldon”). Applicant respectfully traverses this rejection.

The Examiner argues that Sheldon discloses a system where order data is generated in response to reference data including sales, inventory and demographics of two or more vendors.

Independent claim 1 recites in relevant part:

“A method for distributing appraisal data among a plurality of competitive dealers, the dealers being a member of a network of dealers in a marketplace, the marketplace including a network of buyers the method comprising...

generating one or more appraisals based at least on the correlating of the data, wherein the data includes prior bids made by the buyer...”

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Sheldon teaches a system for controlling vendor's inventory; Sheldon does not disclose anything relative to appraising a vehicle. Accordingly, Sheldon does not disclose each and every element of independent claim 1; "A method for distributing appraisal data ... generating one or more appraisals based at least on the correlating of the data, wherein the data includes prior bids made by the buyer...", and therefore does not anticipate claim 1.

Similarly, independent claim 39 recites "an apparatus programmed to receive an appraisal request, correlate prior bid data and generate an appraisal. Sheldon does not disclose every element of claim 39; specifically Sheldon does not disclose a device programmed to "generate one or more appraisals based on at least the correlated data, wherein the data includes prior bids made by the buyer."

Dependent claims 2 – 4 and 40 – 41 are allowable at least by their dependency on independent claims 1 and 39, respectively. Reconsideration and withdrawal of the Examiner's anticipation rejection are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the Examiner's rejection is overcome, and that the application is in condition for allowance.

Respectfully submitted,

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